SRI B. B. SAYANAK.—If there was no accommodation where was the necessity to shift this office to Belgaum ?

SRI D. K. NAIKAR.—The office was shifted to Belgaum for purposes of public convenience and efficient administration. The Government is in search of a building and after securing the building the office will be shifted.

SRI B. B. SAYANAK.—Whether it has come to the notice of the Hon Minister that Mr. R. D. Kittu', the State Minister for Municipalities has rang up to the Administrator to vacate the Guest House immediately and accordingiy he has vacated the room immediatly. When this fact is there why the concerned Hon. Minister is avoiding to answer my question correctly ?

SRI D. K. NAIKAR.—Whatever information is available and what information I have received from the Divisional Commissioner has been furnished in the answer.

SRI B. B. SAYANAK.—When so many persons from outside Belgaum have complained that we have not got the accommodation in this Guest House then what is the purpose of this Guest House ?

SRI D. K. NAIKAR,—No such complaints have been received from public by the Government.

** Levy of litre fee on denatured spirit*

1 1. SRI B B. SAYANAK. (Belgaum).—Will the Chief Minister be pleased to state :—

(*a*) whether it is a fact that some denatured spirit licences in the State had fild writ Petitions in the High Court of Karnataka in respect of litre fee levied on denatured spirit in the year 1972;

(*b*) if so, the details of the decision of the High Court.

(*c*) the action the Government has taken to implement the High Court decision ?

SRI D. DEVARAJ URS (Chief Minister),—

(*a*) Yes.

(*b*) The High Court has held that the State Legislature is not competent to levy excise duty on denatured spirit which is alcohol subjected to a process prescribed for the purpose of rendering it unfit for human consumption. In that view the High Court has held that the rule prescribing the rate of litre fee on denatured spirit as unconstitutional beyond the Legislative competence of the State Legislature. The rule has therefore been struck down. Consequently the Health Cess and Education Cess which are collected on the

(SRI D. DEVARAJ URS)

amount of litre fee paid cannot also be levied and collected from the writ petitioners. The petitioners are therefore entitled to the refund of the litre fee' Health Cess and Education Cess levied and collected from the petitioners during the period of three years before the institution of these writ petitions. The High Court has further directed to make orders of refund on the petitioners filing particulars of the amounts collected from them during the aforesaid period of three years,

(c) In pursuance of the orders of the High Court the refund bills as and when produced are being processed,

SRI B. B. SAYANAK,—When the High Court of Karnataka has struck down the order of levying cess to the denatured spirit why the Government has not refunded the amount collected from the denatured spirit licencees ?

†SRI D. DEVARAJ URS.—We are going to refund.

SRI B. B. SAYANAK.—Through the denatured spirit licencees have produced the refund bills to the Government why the Government has not taken immediate action ?

SRI D. DEVARAJ URS —The nature of verification is such it involves some time. It is being processed and whatever money is due according to the High Court order. We are going to refund.

SRI B. B. SAYANAK.—When the High Court has said that this rule is ultra vires why the Government is not going to refund the money to all the licencees from whom it has collected the cess ?

SRI D. DEVARAJ URS —This is with refence to those who went to High Court. It may be made applicable to others. Whoever has claims according to the High Court order let him submit the Bill.

* *Prevention of sale of adulterated toddy and illicit drink*

160. SRI T. R. SHAMANNA (Fort).— Will the Chief Minister be pleased to state.—

(a) the excise revenue receipts anticipated and actually collected in the Budget year 1973-74

(b) the excise revenue receipts anticipated in the Budget year 1974—75 and the revenue realisable as per tender bids for 1974-75;

(c) the effective steps taken to check the growth of —

(i) Illicit Drink, and
(ii) Sale of adulterated toddy etc. ?